

Appendix G: Transcripts and Comments on the Draft Environmental Assessment

Appendix G contains comments and responses to the Draft Environmental Assessment. The comments were taken from hearing transcripts, public agencies, private organizations, and individuals. The subsequent sections are as follows:

- A - Agency Comments
- B - Organization Comments
- C - Public Hearing Transcript
- D - Public Comments

Appendix G-A: Agency Comments

Response to Comment A1-1

Comment is noted in the project record.

Response to Comment A1-2

Previous comments submitted by Reclamation were made on an administrative version of the Pre-Draft Environmental Assessment. Comments previously received have been reviewed and addressed as appropriate.

A1

Patricia McCabe

Subject: FW: Draft EA for

From: Andrea Campbell [mailto:ACAMPBELL@lc.usbr.gov]
Sent: Monday, June 30, 2003 3:11 PM
To: Diane Simpson-Colebank
Cc: Kimber Kirkland; Melissa Sparlin; Thayer Brolli
Subject: Draft EA for ASH

Hi Diane,
 Thanks for the opportunity to review the Draft EA.

A1-1 | From an environmental perspective, BOR has no further comments.

A1-2 | Note that several comments that I submitted on the pre-Draft EA, at ADOT/FHWA discretion, were not addressed in the revision.
 These comments are valid for the Draft EA as well.

BOR's Lands Team may have comments on the Draft EA.
 I am requesting that they submit these to you separately from Environmental Team comments.

Best regards,
 Andrea

U.S. Bureau of Reclamation
 7301 Calle Agua Salada
 Yuma, Arizona 85364
 (928) 343-8237
 (928) 343-8245 (fax)

Response to Comment A1-3

The care of wells along County 23rd Street would be addressed during final design. The wells would be protected in place, with access provided to Reclamation for sampling operations. After the useful life of the wells has been reached they would be relocated outside the Area Service Highway (ASH) right-of-way by Reclamation.

A1

Patricia McCabe

Subject: RE: Draft EA for ASH

-----Original Message-----

From: Kimber Kirkland [mailto:KKIRKLAND@lc.usbr.gov]
Sent: Tuesday, July 01, 2003 2:02 PM
To: Andrea Campbell; Diane Simpson-Colebank
Cc: Melissa Sparlin; Rick Strahan; Thayer Broili
Subject: Re: Draft EA for ASH

Hi Diane:

The Lands Team also has the same comments as before. I am concerned that the mitigation measures do not include care of the wells along Co 23rd. I do now have an application from ADOT for the proposed right-of-way and will include that in the stipulations for the right-of-way.

thanks!
kim

Kimber Kirkland
Realty Officer/Lands Team Leader
Yuma Area Office
Bureau of Reclamation
7301 Calle Agua Salada
Yuma AZ 85366

928-343-8153
928-343-8320 fax

kkirkland@lc.usbr.gov

A1-3

A2



Department of Energy
Western Area Power Administration
Desert Southwest Customer Service Region
P.O. Box 6457
Phoenix, AZ 85005-6457

JUL 9 2003

Ms. Diane Simpson-Colebank
Logan Simpson Design Inc.
51 West Third Street, Suite 450
Tempe, AZ 85281

Dear Ms. Simpson:

Western Area Power Administration (Western) has received the Yuma Area Service Highway Draft Environmental Assessment, Tracs No. 195 YU 000 H5774 02D, Federal Project No. HPP 900-A (022), also known as ASH. The project will impact Western's Gila-Sonora 69-kV Transmission Line, and a portion of the Sonora-242 Wellfield 34.5-kV.

- A2-1 | It is anticipated that the Gila-Sonora 69-kV transmission line may need to be raised to provide for appropriate vertical clearances. Structures 4/1 and 4/3 may need to be replaced. Structure 4/2 may need to be relocated outside of the roadway. Western is also
- A2-2 | concerned that the slope of the roadway near several other structures may impede access to, and maintenance of, our facilities.

With that in mind, we offer the following comments:

- A2-3 | • Please reference page 16, G. Utilities: "...The WAPA 69-kV transmission line runs parallel to the Avenue 4E and the A canal alignments. The transmission line adjacent to the A Canal would need to be raised to provide for appropriate vertical clearance. A structure will need to be removed and relocated out of the highway right-of-way. The remainder of the ASH would be designed to meet the appropriate vertical clearances and provide adequate clear-zones around the transmission line structures within WAPA transmission line rights-of-way."
- A2-4 | • Please reference page 26, second paragraph, "It is anticipated that WAPA transmission lines and associated clear-zones would not be affected by the ASH . . ." Western does not agree with the content of this paragraph. This project will impact Western's facilities. Alternative access roads, as well as clear access around the structures, may need to be provided by ADOT so that maintenance activities can be performed.
- A2-5 | • It is Western's understanding that we will be a cooperating agency in the NEPA process. Any further coordination in regards to the Environmental Assessment should be coordinated with Mr. John Holt, Environmental Manager, at (602) 352-2592.

Response to Comment A2-1

Structures would need to be relocated and raised to provide adequate vertical and horizontal clearances.

Response to Comment A2-2

Western Area Power Administration (Western) facilities would be located outside the Area Service Highway right-of-way. Any maintenance required within the right-of-way would require a permit from Arizona Department of Transportation Yuma District. Access to certain Western facilities for maintenance may require a more circuitous route, especially south of County 23rd Street at the Barry M. Goldwater Range boundary.

Response to Comment A2-3

Change has been made in the Final Environmental Assessment (EA). Refer to Section III. G. Utilities, of the Final EA.

Response to Comment A2-4

The *General Plan and Profile of Proposed State Highway SR 195*, prepared by CH2M Hill, identified areas where clear access to Western facilities for maintenance may be an issue. Western required a 50-foot-radius clear-zone and this requirement was engineered into the *General Plan and Profile of Proposed State Highway SR 195* design.

Response to Comment A2-5

According to a recent coordination letter dated September 8, 2003, from Western to ADOT, Western indicated that they no longer have an interest in becoming a cooperating agency.

A3

Diane Simpson-Colebank

From: MBruder@dot.state.az.us
Sent: Monday, June 30, 2003 7:56 AM
To: Diane Simpson-Colebank; AColclough@dot.state.az.us
Subject: FW: ASH EA Comments

Importance: High

MCAS comments on the EA.

-----Original Message-----

From: Saltzer Mr Charles R [mailto:SALTZERCR@yuma.usmc.mil]
Sent: Monday, June 30, 2003 7:23 AM
To: 'MBruder@dot.state.az.us'
Subject: ASH EA Comments

These are the comments on the ASH EA provided by the Marine Corps legal side. Please forward. Thanks, Charles Saltzer

- A3-1 1. General Comment: Secondary and Cumulative Effects. Recommend that Secondary and Cumulative Effects be expanded. The existing evaluation of the affected environment does not seem adequate for a document of this size given the scope and area of coverage of this project.
- A3-2 2. General Comment: There were comments from the Center for Biological Diversity (CDB) in the Yuma Sun Paper of 12 JUN 03. It is strongly recommended that front page article should be reviewed, evaluated, and concerns addressed where applicable. The CDB detailed one concern in that article that "There is virtually no analysis in the thin environmental assessment." This concern should elicit strong review as CDB's related concern, in that same article, is that an EA is only being required "instead of a full blown environmental impact statement" (EIS). There needs to be solid scientific analysis, with solid alternatives developed, logically resulting in a defensible FONSI to preclude a foreseeable legal challenge from CDB, or any environmental group, to require an EIS in court. Those groups and any concerned citizen have the legal right to make such a challenge.
- A3-3 Comments from Marine Corps Legal Counsel [These comments are re-sent for the ASH Pre-Draft Environmental Assessment (EA) version of MAR2003. These are still applicable due to their general legal nature.]
- A3-4 3. p. 1: "an EA appears [emphasis added] to be the appropriate level of environmental documentation [...]"
Generally a bit more certainty is expected in an EA, vice stating only an EA appears to be the appropriate level of documentation.
- A3-5 4. p.13: While Alternative 3 may have been rejected "at the request of the mayor of San Luis," it's a fact that certainly the action proponent wouldn't highlight in the EA. If the disadvantages of an alternative must be listed, do it terms of not meeting the Purpose and Need ("P&N") or simply relative to the benefits of the Preferred Alternative.
- A3-6 5. pp. 10-16 et. seq.: The "rejected" alternatives are actually

Response to Comment A3-1

The secondary and cumulative effects portion of the Final Environmental Assessment (EA) has been expanded from the Draft EA. Refer to Section IV. Affected Environment, Environmental Consequences, and Mitigation Measures of the Final EA, for additional discussion on secondary and cumulative effects.

Response to Comment A3-2

The Center for Biological Diversity submitted its comments on the Draft EA. Refer to Organization Comments for its comments and associated responses.

Response to Comment A3-3

The National Environmental Policy Act (NEPA) and related supporting regulations require that an environmental impact statement (EIS) be prepared and approved when a proposed Federal action (e.g., the authorization for the use of Federal-aid Highway Program funds to construct a highway improvement) will cause *significant* impacts. The completed studies, evaluations, and public outreach conducted by the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) have not identified impacts resulting from the proposed improvements that are *significant*. While there are virtually no improvements without some adverse effects, the efforts FHWA and ADOT have undertaken to identify possible adverse effects have afforded substantial public input and involvement, considered a reasonable range of alternatives, evaluated the impacts in terms of context and intensity, and provided reasonable plans to mitigate and minimize any adverse impacts. At this time, the FHWA does not believe there is a legitimate basis for preparing an EIS.

Response to Comment A3-4

Text has been revised on page 1 of the Final EA to read, "... an EA is the appropriate level of environmental documentation to evaluate the magnitude of impacts based on their context and intensity, as defined in the Council on Environmental Quality (CEQ) (40 Code of Federal Regulations [CFR] § 1500-1508)."

Response to Comment A3-5

Further discussion on alternatives has been included within the Final EA. Refer to Section II. Alternatives Considered in the Final EA.

Response to Comment A3-6

The Alternatives Considered section of the Final EA has been revised to address all alternatives considered. Refer to the Final EA, Section II. Alternatives Considered.

Response to Comment A3-7

The document has been revised and the No Action Alternative has been carried through the Final EA for further consideration. The No Action Alternative is no longer eliminated from further consideration or rejected as stated on page 12 of the Draft EA. Refer to the Final EA, Section II. Alternatives Considered.

A3

A3-6
(cont'd)

"alternatives considered, but not carried forward for analysis." As such, listing them as "rejected" is not legally fatal. However, as a result, the only alternative analyzed is the Preferred Alternative. Not good. It's truly the rare project where no other alternative would meet the P&N. The BLM stated as much in their 1996 letter re: this proposed project (p. B-2): "To comply with the National Environmental Policy Act, a full array of alternative routes for the proposed highway need to be developed and analyzed" [emphasis added]. On p. 11 the EA states "the three build alternatives...would have different impacts on the natural, physical, and cultural environment." While we suspect this is true, the analysis should be included in the document.

A3-7


6. Also, the No Action Alternative must ALWAYS be carried forward (not "rejected" as stated on page 12) and is best analyzed resource media-by-resource media. Indeed, the EA states that "because the No Action Alternative would not meet the P&N of the project, it was eliminated from further consideration." Apart from the first part of the sentence being intuitively obvious (the No Action Alternative would NEVER meet the P&N for a project would it?), the sentence might as well read "we've already decided to do this project so ignore the rest of this document." This is hardly the "hard-look" required by NEPA. Somehow it is doubtful that simply word-smithing is going to fix this because it is suspected the administrative record is already flawed.

Herbert "Gil" Guillory
Environmental Director
DSN 269-2282
(928) 269-2282
guilloryh@yuma.usmc.mil <mailto:guilloryh@yuma.usmc.mil>
<mailto:guilloryh@yuma.usmc.mil>

Response to Comment A4-1

Comment is noted in the project record.

A4



INTERNATIONAL BOUNDARY AND WATER COMMISSION
UNITED STATES AND MEXICO

OFFICE OF THE COMMISSIONER
UNITED STATES SECTION

JUN 23 2003

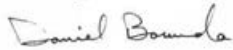
Ms. Diane Simpson-Colebank
Principal Environmental Planner
Logan Simpson Design Inc.
51 West Third Street, Suite 450
Tempe, Arizona 85281

Dear Ms. Simpson-Colebank:

Thank you for your May 27, 2003, letter to Deputy Commissioner Debra Little regarding public review and comment of the Draft Environmental Assessment for the Arizona Department of Transportation proposal in coordination with the Federal Highway Administration and Yuma Metropolitan Planning Organization to construct the Yuma Area Service Highway in Yuma County, Arizona. The proposed highway would provide an express highway connection between a planned commercial international port of entry near San Luis and Interstate 8. The USIBWC provided scoping comments for the proposed project on February 2, 1996.

The USIBWC's review of the Draft EA indicates that the proposed project is outside our jurisdictional area. We do not anticipate any impacts from this project either to our projects or of an international nature, and we have no substantive comments on the Draft EA. We do, however, reserve comment for the eventual environmental documentation for the future commercial international port of entry near San Luis, Arizona.

Thank you again for the opportunity to review and comment on the Draft EA for the Yuma Area Service Highway.

Sincerely,

for Sylvia A. Wagoner
Division Engineer
Environmental Management Division

The Commons, Building C, Suite 310 • 4171 N. Mesa Street • El Paso, Texas 79902
(915) 832-4100 • (FAX) (915) 832-4190 • <http://www.ibwc.state.gov>

A4-1

A5



June 27, 2003

Diane Simpson-Colebank
Principal Environmental Planner
Logan Simpson Design Inc.
51 West Third Street
Suite 450
Tempe, AZ, 85281

Re: Draft Environmental Assessment Yuma Area Service Highway, Yuma County

Dear Ms. Simpson-Colebank:

The Arizona Game and Fish Department (Department) has reviewed your letter dated May 27, 2003 requesting comments on the Draft Environmental Assessment (DEA) for the Yuma Area Service Highway (ASH). The following comments are provided for your consideration.

The Department is pleased that the DEA includes mitigation and compensation measures as required in the Flat-tailed Horned Lizard (FTHL) Rangewide Management Strategy (RMS). However, the RMS has recently been revised, including the mitigation and compensation sections. The Department suggests that you review the revised RMS to ensure that the EA remains in conformance. We can provide you with an electronic version upon request. Printed copies will be available later this year. We believe that little has changed that would affect what is proposed in the DEA. However, you should be aware that according to Mitigation Measure 10 in the revised RMS, FTHL culvert design will be provided by the Interagency Coordinating Committee (ICC). The ICC is still in the process of researching and selecting a design, but it will probably be of larger size than the 28" culverts proposed in the draft EA. Members of the ICC are concerned that small pipe culverts will not provide sufficient space and light to permit effective use by FTHL.

The Department and other agencies have previously requested that the project proponents consider other alignments to avoid FTHL habitat. The Department believes that this DEA does not adequately consider alternative routes. We believe that serious consideration should be given to moving the County 23rd / Avenue 4E curve to the west of the Barry M. Goldwater Range (BMGR) boundary. This would eliminate the fragmentation of approximately 1 square mile of habitat within the FTHL Management Area. This type of alternative was presented and supported by the Department in a Technical Memorandum (NO. 1) revised in January 1997 but does not appear to have been carried forward in the DEA. This type of alignment would involve Arizona State Trust Land and may reduce the total cost of the project because it would shorten the route and would reduce required mitigation and compensation. Under this alignment,

AN EQUAL OPPORTUNITY REASONABLE ACCOMMODATIONS AGENCY

Response to Comment A5-1

The Final Environmental Assessment (EA) conforms to the *Flat-tailed Horned Lizard Rangewide Management Strategy 2003 Revision*.

Response to Comment A5-2

The Flat-tailed Horned Lizard Interagency Coordinating Committee (ICC) has provided the final design for culverts to be spaced every 0.5 mile apart along the County 23rd Street alignment. Culverts constructed to ICC specifications would be approximately 14 feet in diameter and cost more than \$1 million each. However, the ICC provided for other management options rather than using culverts. If culverts are not used then compensation can be provided for fragmented FTHL habitat north of County 23rd Street (approximately 1,760 acres).

Response to Comment A5-3

The Final EA has included additional discussion on the corridor selection process, as well as the alternatives considered. The evaluation of alternatives considered impacts to the FTHL in addition to a variety of other factors. Refer to the Final EA, Section II. Alternatives Considered, for additional discussion.

Response to Comment A5-4

The Final EA has been revised to include a discussion on alternative routes considered. Refer to Section II, Alternatives Considered.

Response to Comment A5-5

The curve at County 23rd Street and Avenue 4E was reevaluated to determine if the acreage of fragmented FTHL habitat within the MA could be reduced while maintaining appropriate highway design speed. Moving the curve west of the Barry M. Goldwater Range (BMGR) onto lands leased by the Arizona State Land Department was not further considered, as it would compromise the ability to preclude access to the ASH between Avenue B to County 14th Street. The curve was re-aligned, resulting in the conservation of 240 acres of FTHL habitat. In addition, the segment of the ASH on the BMGR between County 14th Street and County 17th Street was also realigned to minimize fragmentation of FTHL habitat, resulting in the conservation of an additional 178 acres.

RESPONSES TO AGENCY COMMENTS

Response to Comment A5-6

The alternative section of the Final EA has been revised to address all alternatives considered. Refer to the Final EA, Section II. Alternatives Considered.

Response to Comment A5-7

The total costs of each corridor/alignment considered were not calculated because these costs are derived from a wide variety of factors (right-of-way, constructability, mitigation, etc.). Corridors and alternatives that were determined to not serve the purpose and need for this project were eliminated from further consideration without cost analysis. Refer to the Final EA, Section II. Alternatives Considered.

Response to Comment A5-8

The Final EA has included additional discussion on the corridor selection process, as well as the alternatives considered. The evaluation of alternatives considered impacts to the flat-tailed horned lizard in addition to a variety of other factors. Refer to the Final EA, Section II. Alternatives Considered.

A5

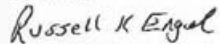
Diane Simpson-Colebank
June 27, 2003
2

A5-8
(cont'd)

signatory agencies to the FTHL Conservation Agreement would likely pursue purchasing undeveloped land between the ASH and the BMGR to increase the amount of FTHL habitat protected under the Conservation Agreement. We believe that the evaluation of this type of alignment should be carried forward and included in the EA. If the evaluation process determines that this alternative is not feasible, the final EA should document the reasons for this determination.

Thank you for the opportunity to review and comment on this DEA. If you have any questions, please contact me at 928-342-0091.

Sincerely,



Russell K. Engel
Habitat Program Manager
Region IV, Yuma

cc: Larry Voyles, Regional Supervisor, Region IV
Bob Broscheid, Proj. Eval. Prog. Supervisor, Habitat Branch

AGFD # 05-29-03-01

A6

Diane Simpson-Colebank

From: Jim Chessum [jchessum@gypa.org]
Sent: Thursday, June 26, 2003 4:21 PM
To: Diane Simpson-Colebank
Subject: Public Comment submission

James P. Chessum, Administrator, Greater Yuma Port Authority, (GYPA)
502 S. Orange Ave, Yuma, AZ. 85364
(928) 783-8911 jchessum@gypa.org

Comments: The Area Service Highway, (ASH), is a vital project with timeline that if delayed could disrupt many other projects that are attempting to be open near when the ASH is opened. The Commercial Port of Entry is trying to qualify for funding as a design build for FY 2006 through GSA funding. If the ASH is delayed it could possibly delay the funding for the new Commercial Port of Entry. The need for the Commercial Port of Entry is critical to the security of our border communities. The present Port of Entry is at maximum capacity in handling pedestrians and non commercial vehicles and there is no place to expand due to all the space being used for Entry at this time. The new Commercial Port of Entry will open up space at the present Port of Entry to allow for a redesign to handle the pedestrians and the non commercial vehicles more efficiently then it is presently. Also the new Commercial Port will allow for a safer crossing of hazardous materials and waste which enter the U.S. daily with a state of the art containment system to catch any spill which may occur. The new commercial Port of Entry will connect to the ASH with a 4 lane connector road, Avenue E. This will allow all commercial trucks to quickly move up to the Interstate and not drive through any of our communities downtowns. The wait time for all vehicle types will be expedited and that will improve both of our border cities air quality immediately. The flat-tailed horned lizard is being provided greater security with the ASH, by blocking access to the lizard management area from the West by off-road vehicles and tourist on foot. The Military will control what if any change is allowed in the way of access along the ASH located within the range and that makes it a lot less tamper proof then if it were located where local politicians have control over the decisions of access and growth related policies. The ASH will allow the Yuma area to grow in the future and not continue to have 25% unemployment as one of our statistics. Thank you for allowing us to provide our input into this process.

James P. Chessum
Administrator, GYPA

Response to Comment A6-1
Comment is noted in the project record.

Response to Comment A6-2
Comment is noted in the project record.

Response to Comment A6-3
Comment is noted in the project record.

Response to Comment A6-4
Comment is noted in the project record.

Response to Comment A6-5
Comment is noted in the project record.


Response to Comment A6-6
Comment is noted in the project record.

Response to Comment A7-1

Comment is noted in the project record.


A7

A7-1



YUMA AREA SERVICE HIGHWAY

PUBLIC HEARING



COMMENT SHEET

Thursday, June 12, 2003
Yuma Civic and Convention Center
Yuma, Arizona

You may submit your comments here tonight or send them by June 27, 2003, to Diane Simpson-Colebank, Logan Simpson Design Inc., 51 West Third Street, Suite 450, Tempe, Arizona 85281, fax: 480-966-9232, email: dsimpson@lsdaz.com.

Name: Casey Prochaska - Yuma County Supervisor District #3
 Address: ~~455~~ 198 Main Street Yuma, Az 85367
 Phone: 329-2104 Email: Caseyprochaska@aol.com

Comments: Since 1993 the community and elected officials
in Yuma County have worked with the
military (MCHS-Yuma) in order to find a
suitable route to move hazardous cargo and also
avoid smaller communities where such traffic
limits local business. The farming community,
the military and the community has agreement
on the proposed route.
We want it to happen - the voters have
given their approval!

TRACS No. 195 YU 015774 01D

Response to Comment A8-1

Comment is noted in the project record.

A8



COMMENT SHEET

Thursday, June 12, 2003
Yuma Civic and Convention Center
Yuma, Arizona

You may submit your comments here tonight or send them by June 27, 2003, to Diane Simpson-Colebank, Logan Simpson Design Inc., 51 West Third Street, Suite 450, Tempe, Arizona 85281, fax: 480-966-9232, email: dsimpson@lsdaz.com.

Name: Lucy Shipp - Yuma County Board of Supervisors
Address: 198 S. Main Street, Yuma, AZ 85364
Phone: 928-329-2104 Email: LucyShipp@aol.com

Comments: Your hand out booklet is exceptionally well written.
Your description of the project purpose and need,
Project Background, Alternatives Considered,
Preferred Alternative and Environmental
Consequences are the best summary I have
ever seen... Complete, concise and accurate!

Your Draft EA appears to me to be thorough
and a true representation of the project.

Thank you for a job well done.

Lucy Shipp



Lucy Shipp
Vice Chairman
Yuma County Board of Supervisors
District 2

198 South Main Street
Yuma, AZ 85364
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Office (928) 329-2104
Home (928) 726-5938
Fax (928) 329-2001

TRACS No. 195 YU 0 H5774 01D

A8-1

A8



YUMA AREA SERVICE HIGHWAY
PUBLIC HEARING



COMMENT SHEET

Thursday, June 12, 2003
Yuma Civic and Convention Center
Yuma, Arizona

You may submit your comments here tonight or send them by June 27, 2003, to Diane Simpson-Colebank, Logan Simpson Design Inc., 51 West Third Street, Suite 450, Tempe, Arizona 85281, fax: 480-966-9232, email: dsimpson@lsdaz.com.

Name: Lucy Shipp - Yuma County Board of Supervisors
Address: 198 S. Main Street, Yuma, AZ 95364
Phone: 928-329-2104 Email: LucyShipp@aol.com

Comments:

Your Public hearing booklet is excellent!
However, I question the statement on page 6,
the last sentence under Threatened, Endangered and
Sensitive Species. Is this a typo? Is it meant
to say "would likely NOT affect"?

Although this area may be possible habit for
the Sonoran Pronghorn and/or Peirson's milkvetch,
there ARE NONE! The pronghorn are
miles further east, mainly east of the
mountain and the milkvetch are in the
Imperial Sand Dunes.

Post looks GREAT! Well presented.

Thank you for all your work on
this project.

TRACS No. 105 YU 015274 010

Response to Comment A8-2

The text in the handout was in error. The Federal Highway Administration (FHWA) determined that the project "may affect, but is not likely to adversely affect" the Sonoran pronghorn and "may affect, and is likely to adversely affect" Peirson's milk-vetch. The US Fish and Wildlife Service (FWS), in a Biological Opinion dated July 24, 2003, concurred with the "may affect, not likely to adversely affect" determination for the Sonoran pronghorn, and determined that the project "is not likely to jeopardize the continued existence of" Peirson's milk-vetch.

Response to Comment A8-3

The project would result in disturbance to habitat that was likely historically occupied by Sonoran pronghorn, and, although extremely unlikely, pronghorn located further east could move into the area. Therefore, FHWA determined that the project "may affect, but is not likely to adversely affect" the Sonoran pronghorn.

At the time of the draft EA, a single specimen of Peirson's milk-vetch was reported to be from the project vicinity, in an area consisting of partially stabilized, low dunes. Although this specimen is no longer recognized as being Peirson's milk-vetch, there is potentially suitable habitat within the proposed ASH project area. The species' distribution suggested that it could occur in suitable habitat in Arizona. Failure to locate the plant during surveys may reflect the lack of suitable moisture conditions rather than the absence of the species. With the expected loss of almost 63 acres of suitable habitat, it was determined that the ASH may affect, and is likely to adversely affect Peirson's milk-vetch or its habitat. Therefore, FHWA completed formal Section 7 consultation with FWS on the project's potential impacts to Peirson's milk-vetch. FWS issued a Biological Opinion in April 2003 in which it was determined that the ASH is not likely to jeopardize the continued existence of Peirson's milk-vetch.

A9

Diane Simpson-Colebank

From: Sanders, Michael - Senior Planner [Michael.Sanders@ci.yuma.az.us]
Sent: Thursday, June 12, 2003 3:12 PM
To: Diane Simpson-Colebank
Cc: Steele, Michael - Director Community Development; Brooberg, Paul - City Engineer/Asst Dir of Pub Works
Subject: Comments - Yuma Area Service Highway Draft Environmental Assessment, May 2003

A9-1

Page 24, first paragraph: "Zoning classifications within non-BMGR project lands include residential, commercial, public facility, and industrial designations. Within the project area, the City of Yuma zoning is designated as general Commercial District (B-2) . . ." Project Area between County 12th and County 13th is currently zoned Agriculture; however, a major development is in the planning stage for this area. A General Plan amendment (Suburban Density Residential to Low Density Residential) for the portion west of ASH alignment at southeast corner of County 12th and Avenue 6E (130 acres) is in public hearing before City Planning and Zoning Commission. Change would allow applicant to seek R-1-8 Low Density Residential zoning. Similar changes are anticipated for lands in the Project Area to the south and east of this site, in area bounded by County 12th and County 13th and Avenue 6E and Avenue 7E.

A9-2

Page 24, second paragraph: "According to the 2000 census data, Yuma County has experienced a 51 percent increase in population between 1990 and 2000 (106,895 to 160,026)." Percent increase is 49.7%

A9-3

Page 25, Table 2. 1999 Labor Force. Unemployment rate (percentage) for San Luis shows 72.2. Based on Labor Force-Employed-Unemployed data provided, percent increase is 73.4%

A9-4

Page 50, "As previously stated, Yuma County has experienced a 36 percent increase in population between 1990 and 2000." Should be 49.7% (City of Yuma increased by 36% between 1990 and 2000 as correctly stated on page 24, second paragraph).

Michael Sanders
 City of Yuma
 Department of Community Development
 One City Plaza, PO Box 13013
 Yuma, AZ 85366-3013
 (928) 373-5000 #3047

Response to Comment A9-1

Comment is noted in the project record and information regarding changes in zoning has been incorporated into the Final Environmental Assessment (EA).

Response to Comment A9-2

Change has been made in the Final EA, Section IV. C. Title VI of the Civil Rights Act, 1964/Executive Order, Relating to Environmental Justice. The 49.7 percent increase has been rounded to 50 percent to be consistent with the comparative values and associated decimal places.

Response to Comment A9-3

Change has been made in the Final EA, Section IV. C. Title VI of the Civil Rights Act, 1964/Executive Order, Relating to Environmental Justice. The 72.2 percent unemployment rate for San Luis has been changed to read 73.4 percent.

Response to Comment A9-4

Change has been made in the Final EA, Section IV. C. Title VI of the Civil Rights Act, 1964/Executive Order, Relating to Environmental Justice. Yuma County has experienced a 50 percent increase in population between 1990 and 2000.

A10



City of YUMA

June 8, 2003

Ms. Diane Simpson-Colebank,
Principal Environmental Planner,
Logan Simpson Design, Inc.,
51 West Third Street Suite 450,
Tempe, Arizona 85281

Re: Draft Environmental Assessment
Yuma Area Service Highway
TRACS No. # 195 YU 000 H5774 02D
Project No. # HPP 900-A(22)

Dear Ms. Simpson-Colebank:

A review of the subject draft document by City of Yuma, Arizona Department of Public Works staff has brought forth the following comments:

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| A10-1 | 1) | Page 4: The final "bullet" of Subsection I.B. should address both US 95 and B-8. |
| A10-2 | 2) | Page 16, Subsection III.G.: The City of Yuma, Arizona also enjoys prior rights for its utilities, at the Northern end of this Project. |
| A10-3 | 3) | Page 19, Subsection IV.A., Fourth Paragraph: Personnel wishing to discuss the City of Yuma set-aside for the Area Service Highway should contact Roger Gingrich, Assistant Director, Department of Public Works, at (928) 373-4500. |
| A10-4 | 4) | Page 21, Figure 7: The "Future East Mesa Treatment Facility" and the impact of the expanding Area Service Highway is of great concern to the City of Yuma and will be the subject of a discussion scheduled with the State on June 12, 2003. |

Should you have any questions concerning the items addressed above, please feel free to contact me at your convenience.

Sincerely,

Paul E. Brooberg, P.E.
City Engineer

PEB/jcl

cc: ADOT Project #53 File
Signature File



City of YUMA

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Response to Comment A10-1

While the building of the Area Service Highway may relieve some congestion on Business Route 8, it is not a specific goal of this project.

Response to Comment A10-2

Change has been made in the Final Environmental Assessment (EA).

Response to Comment A10-3

Reference has been added to the Final EA.

Response to Comment A10-4

The Arizona Department of Transportation (ADOT) and the City of Yuma met on June 12, 2003, to resolve conflicts between the City of Yuma's water treatment facility and ADOT's Area Service Highway designs. Future meetings would be held as needed to resolve remaining engineering details.